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DOCKET NO. C14-161672M/ISI

7

MAY 25 2007

REMARKS

Claims 1-20 are all the claims presently pending in the application. Claims 1, 7-8, and 10-11 are amended to more clearly define the invention. Claims 1, 7-8, and 10-11 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicants earnestly solicit entry. No new matter has been added.

Applicants gratefully acknowledge the Examiner's indication that claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants respectfully submit that all of the claims are allowable.

Claims 1 and 5-7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Yasuhara reference. Claims 2-4, 8, and 10-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yasuhara reference.

These rejections are respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

An exemplary embodiment of the claimed invention as defined by, for example, independent claim 1, is directed to a play-back device that includes a plurality of play-back sources, a first output unit and a second output unit for selecting one of the play-back sources to output play-back signals from the play-back source, a first operation unit for operations relating to the first output unit, a second operation unit for operations relating to the second output unit, and a control unit for deciding whether the first output unit and the second output unit have selected a common play-back source and whether the play-back signals from a common play-back source are in an output-stopped state and for inhibiting the release of the

10/670,523

8

DOCKET NO. C14-161672M/ISI

output-stopped state from the second operation unit in response to the control unit deciding that the play-back signals from the common play-back source are in an output-stopped state.

Conventional play-back devices, when in a mode that accepts key operations from both a front operation unit and a rear operation unit and when it is decided that the play-back signals from a common play-back source is in an output-stopped state, permits the rear operation unit to cancel the output-stopped state. Thus, for example, when a front passenger sets the output device into an output-stopped state or when the device automatically sets an output-stopped state in response to a telephone call, the rear passenger may release the output-stopped state against the will of the front passenger.

In stark contrast, the present invention provides a play-back device with a control unit for deciding whether the first output unit and the second output unit have selected a common play-back source and whether the play-back signals from the common play-back source are in an output-stopped state and for inhibiting the release of the output-stopped state from the second operation unit in response to the control unit deciding that the play-back signals from the common play-back source are in an output-stopped state. In this manner, the present invention may reliably prevent the output-stopped state of a common play-back source from being released through an operation of a second operation unit.

## II. THE PRIOR ART REJECTIONS

### A. The 102(e) Yasuhara reference rejection

Regarding the rejection of claims 1 and 5-7, the Examiner continues to allege that the Yasuhara reference teaches the claimed invention. Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the Yasuhara reference.

The applied reference does not teach or suggest the features of the claimed invention including a control unit for deciding whether the first output unit and the second output unit have selected a common play-back source and whether the play-back signals from the common play-back source are in an output-stopped state and for inhibiting the release of the output-stopped state from the second operation unit in response to the control unit deciding that the play-back signals from the common play-back source are in an output-stopped state. As explained above, these features are important for reliably preventing the output-stopped state of a common play-back source from being released through an operation of a second

10/670,523  
DOCKET NO. C14-161672M/ISI

9

operation unit.

The Office Action alleges that the Yasuhara reference's disclosure of a control unit having the ability to disable the operation of a rear controller corresponds to the features recited by the claims.

However, contrary to this allegation, the control unit that is disclosed by the Yasuhara reference does not include a controller that decides whether the play-back signals from a common play-back source are in an output-stopped state and that inhibits the release of the output-stopped state from the second operation unit in response to the control unit deciding that the play-back signals from the common play-back source are in an output-stopped state.

Rather, and in stark contrast, the Yasuhara reference discloses a play-back device that includes an enabling switch that selectively disables and enables a rear controller.

Disabling the rear controller means that the rear controller is not capable of selecting any play back source at all. Rather, the rear controller is made entirely inoperative. Since the rear controller is not operative and cannot select any play back source, there is no common play back source when the rear controller is disabled.

The rear controller is only capable of selecting a play back source when the enabling switch enables operation of the rear controller.

The Yasuhara reference does not teach or suggest a control unit for deciding whether the first output unit and the second output unit have selected a common play-back source.

Further, the Yasuhara reference does not teach or suggest a control unit for inhibiting the release of the output-stopped state from the second operation unit in response to the control unit deciding that the play-back signals from the common play-back source are in an output-stopped state.

The February 27, 2007, Office Action states that "YASUHARA discloses a play back device capable of selectively enabling or disabling a rear controller regardless of whether a common play-back source are (sic) in an output-stopped state or not." (page 4, line 19 - page 5, line 2). Therefore, the Office Action agrees that the Yasuhara reference does not teach or suggest a control unit for inhibiting the release of the output-stopped state from the second operation unit in response to the control unit deciding that the play-back signals from the common play-back source are in an output-stopped state.

The Yasuhara reference clearly does not teach or suggest the features of the claimed invention including a control unit for deciding whether the first output unit and the second

10/670,523  
DOCKET NO. C14-161672M/ISI

10

output unit have selected a common play-back source and whether the play-back signals from the common play-back source are in an output-stopped state and for inhibiting the release of the output-stopped state from the second operation unit in response to the control unit deciding that the play-back signals from the common play-back source are in an output-stopped state

Therefore, the Yasuhara reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1 and 5-7.

#### B. The 103(a) Yasuhara reference rejection

Regarding the rejection of claims 2-4, 8, and 10-20, the Examiner continues to allege that it would have been obvious to one of ordinary skill in the art to modify the disclosure of the Yasuhara reference to form the claimed invention. Applicants submit, however, that the reference would not have been so modified and, even if modified, the modification would not teach or suggest each and every element of the claimed invention.

First, Applicant respectfully submits that the Examiner has failed to comply with the clear requirements that are set forth in the Manual of Patent Examining Procedure. In particular, the Examiner has failed to comply with the requirements of the M.P.E.P. as set forth in § 707.07(f) by failing to answer all material traversed.

“Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.” (M.P.E.P. § 707.07(f), emphasis added).

Specifically, in the Amendment that was filed on November 28, 2006, the Applicants pointed out that the Office Action fails to present a *prima facie* case of obviousness for lack of any suggestion or motivation to make the modification that is alleged by the Examiner. Applicants note that the February 27, 2007, Office Action fails to address this traversal.

Therefore, the Examiner’s rejection fails to present any obviousness rejection.

As explained previously, the Office action fails to present a *prima facie* case for obviousness.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

10/670,523  
DOCKET NO. C14-161672M/ISI

1:1

ordinary skill in the art, to modify the reference or to combine the teachings."

M.P.E.P. §2143

In the present instance, the Examiner has not even attempted to provide any motivation at all for making the Examiner's proposed modification. The Office action clearly fails on its face to present a *prima facie* case for obviousness.

Rather, the Examiner merely alleges that "someone within the level of skill in the art at the time of the invention was made would be able to use an interruption detecting unit and an output stop setting unit in YASUHARA's car audio device as claimed." Such an allegation is clearly improper upon which to base an obviousness rejection.

**"FACT THAT THE CLAIMED INVENTION IS WITHIN THE CAPABILITIES OF ONE OF ORDINARY SKILL IN THE ART IS NOT SUFFICIENT BY ITSELF TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS"**

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." M.P.E.P.

2143.01.IV.

The Examiner's allegation that one of ordinary skill in the art would be able to use items is clearly not sufficient to establish a *prima facie* case of obviousness.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 2-4, 8, and 10-20.

**III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-20, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed

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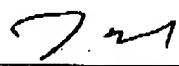
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below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

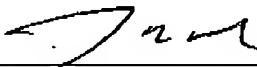
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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that I am filing this Amendment After-Final Rejection Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Tan X. Dinh, Group Art Unit 2627 at fax number (571) 273-8300 this 25<sup>th</sup> day of May, 2007.

  
\_\_\_\_\_  
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